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STUDIES AND OTHER DOCUMENTATION FOR THE WORLD CONFERENCE

Letter dated 20 August 1991 from the Permanent Representative of Iceland to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights and Secretary-General of the World Conference on Human Rights

I have the honour, with reference to note G/SO 214 (21-2), dated 29 March 1991, concerning the World Conference on Human Rights and the first session of its Preparatory Committee, to send you herewith a report entitled "Standards, compliance and technical cooperation: substantive issues before the 1993 World Conference on Human Rights". The report records the discussions at a two-day informal meeting convened in Iceland on 9 and 10 June 1991 by the Nordic Institutes of Human Rights in connection with the Seventh Nordic Seminar on Human Rights. As it relates to some of the issues which could be addressed at the Conference, I respectfully request that this report be issued, for information purposes, as a document of the first session of the Preparatory Committee.

(Signed): Kjartan JOHANNSSON
Ambassador
Permanent Representative

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STANDARDS, COMPLIANCE AND TECHNICAL COOPERATION: SUBSTANTIVE ISSUES BEFORE THE 1993 WORLD CONFERENCE ON HUMAN RIGHTS

Report of a Brainstorming Session held by the Nordic Institutes of Human Rights at Laugarvatn, Iceland, 9-10 June 1991

INTRODUCTION

1. The Nordic Institutes of Human Rights have for several years organized seminars dealing with a series of topical issues. This time around, the Seventh Nordic Human Rights Seminar, the Eighth Nordic Refugee Law Seminar and the Fifth Seminar on the Small Nations of the North in Constitutional and International Law were held jointly at Laugarvatn in Iceland from 6 to 10 June 1991. As part of these Seminars, which were held in cooperation with the United Nations Centre for Human Rights, the Institutes convened a two-day Brainstorming Session about issues which could be discussed at the 1993 World Conference on Human Rights.

2. The Brainstorming Session did not adopt any recommendations. It did not even adopt this report which simply records the issues and ideas brought up during some 12 hours of wide-ranging and free-wheeling discussions. The report is not in any way intended to present a conclusive or exhaustive listing of human rights issues which deserve further examination. Likewise, the order in which the ideas are recorded is one of chronology rather than of agreed-upon priorities, and chapter headings are inserted for the sake of convenient reading.

3. Mr. Jan Martenson, the United Nations Under-Secretary-General for Human Rights and Secretary-General of the World Conference, delivered an opening address to the Brainstorming Session. He described the background to and legislative history of the World Conference, outlined the contents and direction of the United Nations Human Rights Programme, emphasized the triangular approach taken by the Centre for Human Rights in implementing the Programme, and expressed his satisfaction at the decision made by the organizers of the Nordic Seminars to launch a collection of ideas which could in turn be of benefit to the preparatory process leading up to the Conference.

4. About 70 participants from Denmark, Finland, Iceland, Norway and Sweden as well as from the Faroe Islands, Kalaallit Nunaat (Greenland) and the Sami Nation attended these Seminars and, by extension, the Brainstorming Session. The participants - who came from the academic community, the Human Rights Institutes, and other non-governmental and governmental organizations in the Nordic region - took part in the deliberations in their individual capacities.

5. Messrs. Asbjørn Eide (Norwegian Institute of Human Rights) and Goran Melander (Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Sweden) chaired the Brainstorming Session, Messrs. Gudmundur Alfredsson (United Nations Centre for Human Rights), Morten Kjaerum (Danish Centre of Human Rights) and Allan Rosas (Institute for Human Rights in Finland) acted as rapporteurs. The full report on the three seminars, including the texts of statements and background papers and list of participants, will be published later this year in the Nordic Journal of International Law (vol. 60, issue No. 3).

6. General Assembly resolutions 44/156 and 45/155 and Commission on Human Rights resolution 1991/30 lay down in broad terms the purpose of the 1993 World Conference. As seen by the participants at the Brainstorming Session, the purpose is to review and assess the United Nations Human Rights programme; to define and enhance the human rights dimension in the overall work of the United Nations; to identify areas and to make future-oriented recommendations for possible improvement in the interpretation of standards, methods of implementation, and other promotional activities; and to make use of the opportunity which the new cooperative spirit in world affairs, the spread of democratic institutions and the introduction of human rights in participatory development processes offers for the strengthening of human rights at international, regional and national levels.

7. In the light of the stated purpose of the World Conference, the Brainstorming Session set out to collect a wide range of ideas about possible topics for discussion and study during the process leading up to the Conference. The emphasis was very much on substantive and procedural improvements of an innovations in the human rights programmes and activities undertaken by the Organization system-wide. The World Conference should not duplicate the work of the Commission on Human Rights or of other intergovernmental organs which deal with human rights, thus avoiding discussion about country situations and alleged violations.

I. ADHERENCE TO HUMAN RIGHTS INSTRUMENTS

8. The efforts to promote ratification of and accession to international human rights treaties should be enhanced. It was noted that many human rights conventions which have been adopted by the General Assembly or other international conferences, most of the time by consensus or by a large majority of votes, fall far short of universal acceptance as legally binding texts. Dozens of States have not even adhered to instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenants on Human Rights, which otherwise enjoy the highest numbers of ratification and accession acts. The rapid adherence of States to the International Convention on the Rights of the Child was seen, however, as particularly encouraging.

9. The push towards increased adherence should include acceptance of the complaints procedures, such as the Optional Protocol to the International Covenant on Civil and Political Rights, article 22 of the Convention Against Torture, and article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination. These and other optional procedures have fallen behind in acceptance rates compared with ratification and accession of the substantive texts themselves.

10. These efforts should include a search for methods of persuasion vis-à-vis States which are behind in the ratification of and accession to human rights treaties. These methods could include giving more regular publicity to the list of non-ratifying States and regular requests by the General Assembly, the Economic and Social Council and/or the Commission on Human Rights so that the States in question could offer explanations for their reluctant partnership.

11. The efforts should also encompass an examination of any technical difficulties which countries, in particular small States, encounter in the translation of international standards into national legislation and in the fulfilment of reporting obligations under the same texts. References were made in this context to the contribution which the Centre for Human Rights could make, acting upon requests from the Governments affected, by way of its programme for advisory services and technical assistance.

12. In connection with adherence, it was underlined that the very objective and purpose of human rights conventions should not be undermined by reservations or unilateral interpretations. Practices of this kind should by all means be countered under the relevant rules of international treaty law and challenged in respective judicial organs and/or implementation bodies. Similar considerations apply to excessive and prolonged derogations resorted to during public emergencies.

13. In addition to adherence by Governments, the availability of human rights instruments in all national and local languages is an essential element in the enjoyment of the rights and freedoms set forth. The Preparatory Committee of the World Conference could request the Centre for Human Rights, the International Labour Office and UNESCO to make a comprehensive and coordinated listing of all available translations and the relevant publications in order to identify any gaps which might exist in the language coverage.

II. INTERPRETATION AND APPLICATION OF HUMAN RIGHTS LAW

A. Overall themes

14. The desire to establish and anchor human rights in all aspects of the work of the United Nations system, in accordance with the purposes of the Organization as laid down in its Charter, was repeatedly brought up during the session and is reflected below in connection with several themes. The effective integration of human rights in a new world order, based on universality and objectivity, will be a measure of the success of the World Conference.

15. Human rights, democracy and development should be among the main themes of the World Conference. Attention was drawn to paragraph 2 of the annex to Commission on Human Rights resolution 1991/30 which calls on the Preparatory Committee to keep in mind the interrelationship between exactly these themes. Building bridges between participatory development, development assistance and democracy will be an important task for the Conference.

16. While recognizing the human rights aspects of these and other themes, the tendency of classifying everything good and positive as human rights should be resisted. In some instances, components of the United Nations system other than the human rights programme may be better equipped to carry out the respective mandates. It must be remembered that individual human beings are the primary beneficiaries of human rights and that that must be kept in mind when the discussion moves into the more complex and sometimes contentious fields of development, environment and peace.

17. The World Conference should recognize that the Universal Declaration of Human Rights or at least substantial parts thereof constitute international customary law. The arguments behind the claim are persuasive and plentiful, including repeated quotations and references in international instruments and resolutions, in national constitutions and legislative acts, in international and national judicial decisions, and in the scholarly literature.

18. The separation between civil and political rights and economic, social and cultural rights should be overcome in order to establish their indivisibility. The so-called four freedoms, of speech and belief and from fear and want, as reiterated in the second preambular paragraph of the Universal Declaration, confirm the inevitable relationship. A study of rights which bridge the span between instruments and different categories of rights, such as trade union rights and property rights, would be a useful undertaking.

19. The possible strengthening of economic, social and cultural rights by way of improved standards, moving away from progressivity to more firm commitments, and by allowing individual communications, could likewise be the subject of further examination, while keeping in mind that the prohibition of discrimination already applies across the board of these, as well as other, rights and freedoms.

B. Human rights and democracy

20. Democracy is a human right in itself, already by virtue of article 21 of the Universal Declaration. Many other established freedoms are necessary in a democratic society, including those of speech, assembly and association. Secret ballots in free elections, the rule of law, an independent judiciary, and judicial review of legislative and administrative actions are essential components of democracy.

C. Human rights in the development process

21. The World Conference should promote the human rights dimension of development activities. The integration of universal human rights standards and of respect for these standards into development projects and into national and international policies and programmes relating to development constitutes a natural interpretation of existing norms.

22. In this regard, the World Conference may want to confirm, first, the logical coverage by existing human rights instruments of this part of national life and international efforts; second, the ongoing practice of integration at international and bilateral levels; and, third, the consequent gains for both national development goals and the peoples concerned. References, leading to the same conclusion, can also be made to the 1986 Declaration on the Right to Development and to the report of the 1990 Global Consultation on the Right to Development as a Human Right.

23. The gains for development would include popular and political participation which would inevitably strengthen development as defined in the second preambular paragraph of the Declaration on the Right to Development. Participation and pluralism are the very basis for economic development. The policies and programmes of non-governmental organizations, as part of popular

participation, should be enhanced. The freedoms of speech, assembly and association should be highlighted in the development debate. By way of simple truths, it was said that a content populace will be more peaceful and more productive.

24. Ongoing policies and programmes by such United Nations organs and agencies as UNDP, UNICEF, ILO, UNESCO and the World Bank, all of which take account of human rights considerations in their work, albeit to varying degrees, should be encouraged. The ILO approach of scrutinizing assistance projects in the light of existing labour standards is a model for other organizations and for Governments and should be expanded so that all applicable human rights instruments be used for this purpose. The World Conference could for example, propose to UNDP that it adopt the same approach with regard to human rights and labour standards, either by its own doing or by reference to the Centre for Human Rights and the International Labour Office.

25. Human rights in development should be approached as a cross-sectoral objective, meaning the examination of each project with regard to general and specific questions. Generally, relevant employment issues could include trade union rights, non-discrimination in terms of recruitment and remuneration, absence of child and forced labour, guarantees of health and safety standards, and so on. Specifically, depending on the characteristics of a project, issues concerning ethnic groups, resettlement and compensation could be brought up. Ideally, this approach requires human rights impact assessments at the designing stage of projects, follow-up during execution, and evaluation at the end.

26. Obstacles encountered in the process of integrating human rights into the development process should form part of the conceptual and practical debate. There should be a serious study of the obstacles and they should not be seen in a negative light as something jeopardizing the progress of human rights; instead they should be tackled in a constructive, forward-looking manner. The obstacles in question can include the debt crisis, structural adjustment policies, and the burden on small States resulting from ratification of instruments because of accompanying national action and reporting obligations. At the same time, it should be underlined that the obstacles should not be used as excuses by Governments, at home or abroad, for not complying with basic rights and freedoms.

D. Human rights and peace

27. The relationship between human rights and peace could be added to the above-mentioned themes of democracy and development. A close linkage is made in the Charter of the United Nations, not least in article 1 listing the purposes of the Organization, between the maintenance of international peace and security, respect for human rights, and international economic and social cooperation.

28. Past, ongoing and upcoming exercises involving United Nations peace-keeping operations and supervision of elections and referenda in several countries, often in connection with the peaceful negotiation of internal

conflict situations, were deemed exemplary undertakings with significant human rights implications and therefore well-suited for additional study prior to the World Conference.

29. Internal conflicts and violence are a major source of threats to and breaches of international peace and security. The conflicts are often born from ethnic, ideological or religious rivalries. They feed on oppression and poverty. Civil wars necessarily destabilize neighbouring countries, if only as a result of the resulting flow of refugees. Keeping in mind the sources and consequences of internal conflict and tension, international responses to such situations must be at the top of the human rights agenda. The international community cannot stand aloof from these conflicts.

30. The world community has reached a stage in the ethical and psychological evolution of civilization when massive and deliberate violations of human rights will no longer be tolerated. A Government engaged in systematic and flagrant violations of fundamental human rights norms cannot legitimately invoke domestic jurisdiction. Humanitarian intervention might be the concept which unites law and morality in this context.

31. Article 2, paragraph 7, of the Charter of the United Nations concerning matters essentially within the domestic jurisdiction of States gives way to the authority of the Organization to maintain international peace and security. Furthermore, the emergence and acceptance of the Charter and all the international human rights instruments give rise to obligations - and independent mandates of international concern to be dealt with by the international community - which must coexist with the sovereignty of States.

32. A study of the possible international responses to internal conflicts should encompass humanitarian assistance by international organizations or other international action, for the protection of civilians and minorities, when peace and survival so demand. The non-military and non-violent, as well as practical aspects, of humanitarian assistance should be elaborated upon. Impartial monitoring by international observers could be one important element of the international response.

33. The principal organs of the United Nations should increasingly and on a priority basis become involved in preventive action. The present report will come back to the role of human rights education and of advisory services and technical assistance in the field of human rights, which form a necessary part of the international response.

34. For purposes of prevention, every country should adopt national legislation with precise provisions on how to deal with breaches of human rights and humanitarian law during situations of internal conflict. The implementation of such legislation would be scrutinized by international organizations, which could also draw up model legislation to this effect.

35. International standards and procedures should increasingly pay attention to the security risks concerning flows of refugees, of people fleeing intolerable ecological conditions, hunger, etc., of internally displaced persons and of migrants, as so amply evidenced by recent events in different parts of the world. The root causes of most of these flows have to do with human rights violations and the connection needs to be studied and analysed.

E. Human rights, humanitarian law, and refugee law

36. The World Conference may wish to study the relationship between human rights and humanitarian law in the grey area between peace and war, that is during internal disturbances, tension and strife. The relevant rules of contemporary international law are inadequate and tend to create an artificial barrier between the application of humanitarian law and human rights law; this is a situation which the Conference could clarify. In this connection, reference can be made to the Declaration of minimum humanitarian standards, informally adopted at Turku in December 1990. 1/

37. During the preparatory process, a thorough examination of the linkages between the respective standards and procedures would be useful. Additional issues could include violations of human rights and denials of democracy as the causes of conflict, refugee flows and mass exoduses; securing the right to seek asylum; the human rights of refugees and victims of wars; the rights of returnees; the rights of internally displaced persons; similarities of and differences in international responses to man-made and natural disasters; and the concept that the right to offer and the duty to accept international assistance in humanitarian crisis situations go hand in hand.

38. The Centre for Human Rights, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross should coordinate and cooperate in the fulfilment of their duties, not least in areas of overlapping mandates, concerning all the dimensions of human rights in crisis and conflict situations. General Assembly resolution 45/153 calling on United Nations organs to use their respective competence for the prevention of new massive flows of refugees and displaced persons deserves attention by the World Conference.

F. The rights of minorities and indigenous peoples

39. Actual and potential situations of ethnic conflict call for new, or rather complimentary, approaches to the rights of minorities and indigenous peoples. Reconciliation, the establishment of national dialogue and confidence-building measures within and between States should be explored in particular. Participation in national dialogue and in the relevant international work by persons belonging to and democratically chosen by these groups is essential for reasons of both equal enjoyment of rights and freedoms and the success of the suggested approaches. The openness of the United Nations Working Group on Indigenous Populations provides a good example of how popular participation can bring about dialogue and education in this respect.

1/ The Declaration of minimum humanitarian standards was published in 1991 by the Institute for Human Rights at the Aabo Akademi University, Finland. See also Theodor Meron and Allan Rosas, "A Declaration of Minimum Humanitarian Standards", American Journal of International Law, vol. 85, No. 2, April 1991, pp. 375-381.

40. Substantive progress made at the regional level at the Vienna, Copenhagen and Paris meetings of the Conference on Security and Cooperation in Europe (CSCE) was welcomed as a possible model for expanding the international supervision of minority and indigenous rights. Systematic reporting by both States and the groups could be the first step towards an international monitoring mechanism.

41. The results emerging from other international projects could be helpful to the World Conference in discussing ethnic conflict resolution. These projects include, first, the study under way in the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the multitude of successful national arrangements which could be translated into international standards and, second, an upcoming United Nations meeting of experts on self-government for indigenous peoples to be held in Kalaallit Nunaat, Greenland, in September of this year.

42. The World Conference and the International Year for the World's Indigenous Peoples coincide in 1993. The Conference cannot ignore the Year and must address indigenous peoples' rights in substantive and not merely symbolic terms. The suggestion made in Commission on Human Rights resolution 1991/57 on the International Year, calling for an emphasis on technical assistance by the international community to indigenous peoples, should meet with positive reaction.

G. Human rights and the environment

43. Reference was made to the ongoing study of the Sub-Commission on the possible relationship between the environment and human rights. Human rights aspects of the environmental debate include popular and political participation, the right to be informed about the state of the environment and measures under way, the right to health, the rights of indigenous peoples, and remedies to those negatively affected.

44. Certain human rights issues have come up in the deliberations and documents of the Preparatory Committee for the United Nations Conference on Environment and Development (UNCED) and are likely to be carried through to that Conference. The Preparatory Committee for the 1993 Conference should take these developments into account to the degree relevant to its mandate.

45. In this connection, it was suggested that the research reports of special rapporteurs appointed by the Sub-Commission, with their conclusions and recommendations made over the years, should be systematically consulted by the Preparatory Committee of the World Conference in order to draw on the wisdom of the Sub-Commission as the think-tank of the human rights programme.

III. THE IMPLENTATION MACHINERY

A. Overall themes

46. In line with the mandating resolutions of the General Assembly and the Commission on Human Rights, the World Conference should focus on the improvement and strengthening of the implementation machinery and procedures of the United Nations human rights programme and come up with a plan of action to this effect.

47. In this connection, it was felt that the term implementation was too neutral and that another more suitable word or more specific expressions should be introduced in order to reflect more accurately the mood and needs of the international community. Among the terms indicative of this trend used during the discussions were enforcement, follow-up, compliance, supervision, inspection and investigation.

48. Hard-core human rights problems which continue notwithstanding clear and universally accepted standards must receive priority attention and influence the outcome of the World Conference. These problems include torture, serious maltreatment of offenders and suspects, disappearances, arbitrary detention, and racial and ethnic discrimination. While the role of the Conference is not to address country situations, it is nevertheless inevitable that the forum seek solutions to patterns of these and other particularly serious and ongoing violations.

49. The opinion was unanimously expressed that discrimination against women belongs to this category of the most serious, unresolved problems in the human rights field and that this issue should be placed on the agenda of the World Conference. (See also para. 82 below).

50. Considering the multiple commitments to standards undertaken by States in accordance with the hundreds of human rights instruments and thousands of ratification and accession acts, the introduction of new means and methods of accountability constitutes a logical next step. It is necessary for realizing the rights and freedoms and for maintaining and strengthening public faith in the human rights programme.

51. The role of national institutions in the promotion and protection of human rights and, preferably, the incorporation of human rights standards into national legislation are essential elements in successful implementation, which must begin at home. The possibility of national courts, ombudsmen or other national institutions seeking non-binding opinions or even preliminary rulings from international or regional human rights organs concerning the interpretation of the applicable standards also merits further study prior to the World Conference.

52. In addition to the facilitation of dialogue and the building of confidence, the implementation of existing minority and indigenous peoples rights should continue. Existing rights in this regard include provisions in the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the UNESCO Convention against Discrimination in Education, and the ILO Convention on Indigenous and Tribal Peoples in Independent Countries (No. 169, 1989).

53. As to the ongoing preparation of two United Nations declarations on the rights of persons belonging to minorities and of indigenous peoples, the World Conference should stress that these texts and other new drafting exercises should be accompanied by effective implementation procedures in line with the guidelines adopted by the General Assembly in resolution 40/120 of 4 December 1986.

54. Fact-finding visits to countries by both treaty- and resolution-based organs should be encouraged and the consent of Governments actively sought to this end. Such visits would inevitably serve the useful purposes of both disseminating and obtaining information.

55. The International Court of Justice could assume an increased role, both in terms of States bringing cases under existing jurisdictional or treaty provisions and of the General Assembly or the Economic and Social Council requesting advisory opinions.

B. The treaty bodies

56. The treaty-based bodies should continue the rationalization of work which the meetings of the chairmen have begun, including the simplification and non-duplication of what are now cumbersome and repetitious reporting duties. Not counting instruments administered by the specialized agencies and by regional organizations, nine United Nations human rights conventions contain reporting obligations and the tenth is expected to enter into force in the near future.

57. The World Conference could consider the possibility of each State preparing a single overall report concerning all the conventions (international and/or regional) to which that State is a Party. Each treaty-based organ would then deal with the part of the report which falls within its competence.

58. Non-governmental organizations should gain a substantive say in the preparation of truly self-examining national reports to the treaty-based bodies. The compilation of national reports to different treaty bodies, some of which are serviced by different organizations, must also be coordinated between all the government agencies and ministries concerned.

59. The treaty bodies should be encouraged to make full use of the powers granted to them under the respective conventions and rules of procedures. Depending on the treaty, such powers might include examination of State party performance, notwithstanding overdue reports, the adoption of findings or recommendations on questions of compliance, and procedures aimed at follow-up to recommendations. With regard to communications, oral hearings of the parties which may not be expressly excluded by the instrument concerned would be a welcome strengthening of what are already emerging as adversary proceedings.

60. Compensation to victims of human rights violations should be pursued by the monitoring bodies in line with existing and clear provisions to this effect in several treaties. The report under preparation by a special rapporteur of the Sub-Commission could form the basis for additional deliberations by the Conference on this issue.

61. Procedures should be developed and additional doors opened for non-governmental as well as intergovernmental organizations to channel information to the treaty-based implementation bodies in order to facilitate their examination of reports by the State parties. The secretariat should

also seek and solicit relevant information, for example by obtaining access to existing intergovernmental, governmental and/or non-governmental data bases.

62. The case law flowing from the treaty-based bodies and the general interpretative comments which they have adopted should be given wider dissemination and purposefully communicated to the other treaty bodies and to the organs and experts working under the resolution-based procedures. In the same manner, the treaty-based bodies should automatically be given access, by way of in-house coordination, to country information accumulated under other procedures.

63. The possibility of establishing one or two standing super-organs to take over all or some of the functions of the treaty-based committees is worth examining. The consolidation of the existing network of treaty bodies, although desirable, would in the first instance require an expert study of the considerable technical and political difficulties involved, including the form and contents of amendments to the provisions of the conventions affected.

C. The resolution procedures

64. As stated above, the cooperation between conventional and extraconventional mechanisms, and the coordinated secretariat servicing of the same, should be the subject of a study, with a view to enhancing the flow of information and improving effectiveness.

65. Consideration should be given to the possibility of declassifying the dossiers of case histories under Economic and Social Council resolution 1503 (XLVIII) complaints procedure once they reach the mature age of 10 or 15 years. Public access to such dossiers would serve a preventive role and scholarly treatment would provide external review and renewed faith in a procedure which remains mysterious to some. Dossiers which have already been made publicly available with the consent or at the request of the Governments concerned should be published for the same purpose.

66. As stated above, a communications procedure should be introduced under the International Covenant on Economic, Social and Cultural Rights. In the absence of such a procedure, however, existing resolution-based petition or special procedure systems should be expanded to cover systematically alleged violations of economic, social and cultural rights, in particular the respective equality in enjoyment and non-discrimination clauses. A report under preparation by a special rapporteur of the Sub-Commission on the realization of economic, social and cultural rights, including his progress reports on human rights indicators and on the role of development and financial institutions in the United Nations system, will further contribute to any debate on these issues.

D. Follow-up to recommendations

67. Today, under the implementation procedures in force, human rights experts and organs of the United Nations issue reports and recommendations with their observations and findings on a variety of situations. As to national implementation undertaken by the addressee, only one organ has instituted

machinery for a regular follow-up procedure. In 1990, the Human Rights Committee appointed a special rapporteur on the follow-up of views, i.e. decisions on the merits adopted under the Optional Protocol to the International Covenant on Civil and Political Rights. The first replies received from Governments under this procedure are encouraging.

68. In order to enhance the effectiveness of the United Nations human rights programme, the World Conference should address methods of following up reports and recommendations issued under both the treaty- and resolution-based procedures. Prior study of possible follow-up methods, including the appointments of special rapporteurs and/or express mandates to the secretariat, would facilitate the deliberations.

E. New procedures

69. The establishment of an international court of human rights with comparison to existing regional courts was brought up as a possibility. The view was also expressed that enhanced acceptance of and powers for the treaty-based bodies which already employ quasi-judicial procedures could equally well, at least for the time being, fill the functions of a judiciary in the field of human rights.

70. The idea of establishing an international criminal court should be seen in the light of ongoing drafting work by the International Law Commission on a code of offences against the peace and security of mankind and on the Commission's proposals about an enforcement mechanism for the code. The issue could be taken up by the World Conference.

IV. HUMAN RIGHTS EDUCATION

71. A number of international instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, specifically stipulate the legal obligation of Governments to provide human rights education. The United Nations human rights programme, under the applicable implementation procedures and preferably with input from UNESCO and UNICEF, should aggressively pursue the realization of these obligations by screening curricula and teaching materials.

72. Attention was drawn to the fact that the wording of a series of these provisions foresees a particular role for human rights education in the reduction and elimination of ethnic tension and ethnic conflict. It is important that persons belonging to minorities and indigenous peoples have an active role in the drafting and designing of teaching materials and in the use of these materials, on a two-way street, involving both the majority and minority populations. The interrelationship between human rights education, democracy and peaceful ethnic conflict resolution was emphasized.

73. Plans by UNESCO to hold a conference on human rights education, as a contribution to the preparatory process leading to the World Conference, were welcomed, as were present plans of the Centre for Human Rights to draw up together with UNESCO a manual for human rights teaching at the university level. Such handbooks should be produced for all levels and types of

recipients and the secretariat could be requested to produce drafts for consideration prior to the Conference. The ABC of Teaching Human Rights, Practical Activities for Primary and Secondary Schools issued by the Centre for Human Rights (New York, 1989) and the Manual on Human Rights Training for Public Officials issued by the Commonwealth Secretariat (London, 1990) are good foundations from which authors could draw lessons for additional texts.

74. Members of law-enforcement agencies, military men and women, prison officials, lawyers, judges, professors of law and other disciplines, school teachers ranging from elementary levels to adult training courses, and governmental and non-governmental field workers in the development and humanitarian sectors, as well as other public officials, journalists and politicians, were pointed out as the most obvious targets of human rights training. Particular attention should be given to those who will be training other recipients nationally and locally.

75. The World Public Information Campaign for Human Rights serves a useful role in promoting public awareness of human rights standards and procedures. With reference to remarks elsewhere in this report and to international resolutions making the same request, the Campaign should be expanded and materials produced in larger numbers and in more languages in order to reach the general public in all parts of the world.

V. TECHNICAL COOPERATION

76. The initiative and growing activities of the Centre for Human Rights in providing advisory services and technical assistance to requesting Governments were praised. So was the joint action already undertaken or being considered by the Centre for Human Rights with, inter alia, UNDP, UNICEF, ILO, UNESCO and the World Bank, as well as separate activities under way within these and other components of the United Nations system. The World Conference might want to recommend enhanced coordination between all of these actors in their endeavours.

77. The cooperative and non-confrontational efforts falling within this category of work are well suited to encouraging and enhancing compliance in the long haul and technical assistance can usefully strengthen national institutions and infrastructures. At the same time, the relationship between adherence to the instruments, the implementation procedures and technical cooperation was stressed. In the selection and execution of projects, it must be ensured that technical contributions are relevant to the needs and situations of the countries receiving assistance.

78. The role of technical cooperation was underlined with reference to remarks made above concerning increased adherence to instruments, integration of human rights into the development and humanitarian processes, and human rights education.

VI. INTERGOVERNMENTAL ORGANIZATIONS

A. Coordination and cooperation

79. Effective coordination and cooperation in the human rights field are the subject of several observations in the present report. The rights of the child provide an example. In addition to the new Convention on the Rights of the Child and the expert committee set up to monitor compliance with that Convention, a number of other experts and organs, as well as practically all the implementation procedures, have a say on rights issues affecting children. The Special Rapporteur of the Commission on Human Rights concerned with the sale of children, the Sub-Commission's Working Group on Contemporary Forms of Slavery, UNICEF, ILO and UNESCO have specific mandates. It is imperative that all of these general and specific instances be brought together in a constructive way.

80. The role of the Centre for Human Rights as a focal point of coordination for human rights activities within the secretariat and between the various organs and specialized agencies should be spelled out even more clearly than is the case in existing resolutions on the subject.

81. A United Nations human rights institute, affiliated with or linked to the Centre, could be set up to maintain an overview of human rights research which has been or is being carried out within the United Nations system; to coordinate ongoing research and standard-setting work; to implement the Human Rights Fellowship Programme and to link the Fellows' research and writing contributions to actual work and activities undertaken within the United Nations system; to draft and to publish human rights teaching materials for use in schools and universities, as well as training manuals for use in courses and workshops provided by the United Nations system; to maintain links with academic and research institutions at the national and regional levels and to facilitate and to encourage cooperation between them and the intergovernmental organizations; and to make sure that information flows to all the organizations concerned about the varied activities under way.

B. The United Nations Centre for Human Rights

82. Substantive issues such as the rights of women, the administration of criminal justice and the treatment of offenders should be better integrated into and coordinated with the mainstream human rights agenda. Similar considerations may apply to some activities now taken care of by the Office of the High Commissioner for Refugees.

83. The head of the Centre for Human Rights should be given a mandate to initiate discussions and enter into cooperative arrangements with Governments about trouble spots, with an emphasis on prevention and good offices, aiming primarily at dialogue, mediation and the offering of technical assistance.

84. In regard to mandates or functions which go beyond the servicing of meetings, it does not matter whether the post at the head of the Centre is called Human Rights Commissioner, High Commissioner for Human Rights or Under-Secretary-General for Human Rights. Earlier proposals and debates

concerning the establishment of a high commissioner's post should be examined in the light of the need for a strengthened role for the secretariat.

85. It remains incomprehensible to the participants in the Session that the Centre has so far not been granted the resources necessary to acquire modern technology for efficiently processing the thousands of reports and hundreds of thousands of communications which it receives annually. The fact that most other departments and agencies within the United Nations system have entered the modern age was noted.

86. In order to guarantee the coordinated and effective flow of information and in addition to the current staffing structure based mainly on thematic officers, the Centre should employ country and/or regional officers who would systematically collect and distribute all relevant information to the organs and experts concerned. This observation applies to and would facilitate the general human rights debate, standard-setting exercises, implementation activities and technical cooperation. To this end also, the Centre should be adequately computerized and have access to external databases.

C. The United Nations system and other intergovernmental organizations

87. The World Conference should consider not only the United Nations human rights programme but also the policies and projects of the specialized agencies, United Nations organs and other intergovernmental organizations working in the fields of human rights and development. While appreciating the competitiveness of the various international organizations active in these or related fields, improved coordination of the work of these organizations, relating to division of labour and cooperation, is desirable for reasons of both effectiveness and efficiency.

88. The specialized agencies and other United Nations organs should actively contribute to the Conference, its Preparatory Committee and other preparatory meetings of a regional or non-governmental character. Such participation should go beyond the formal part of making statements from the floor and extend to a substantive and integral role in the preparatory process of the secretariat.

89. The remarks made in the two preceding paragraphs apply equally to regional organizations active in the field of human rights. The secretariats of the international and regional organizations would gain from additional contacts. The chairmen of the African, European and Inter-American commissions and courts, as well as those of treaty organs administered by the specialized agencies, could be invited to attend the meetings of chairmen of the United Nations treaty-based bodies.

VII. NON-GOVERNMENTAL ORGANIZATIONS

90. Independent non-governmental organizations are crucial to the United Nations human rights programme in all its aspects: standard-setting, implementation methods, and promotional activities. Several references have been made above to desirable input by these organizations in the different sectors of human rights work.

91. Non-governmental organizations should have a role to play in the Preparatory Committee and in the World Conference itself, but their contribution to the preparatory process by early development and expression of their demands and desires would be especially important. They should proceed with influencing and lobbying Governments to this end, not least at the national level, as soon as possible. Furthermore, promotional activities or a parallel (but not an alternative) conference undertaken by the non-governmental community would be helpful in disseminating information about and generating interest in human rights in general and the Conference in particular.

92. It would be desirable if national delegations to the Preparatory Committee and to the Conference itself were to include members of the independent non-governmental community. It was also deemed desirable that national committees of all parties interested and involved in human rights work should be set up in order to formulate suggestions and programmes for the Committee and the Conference.

CONCLUSION

93. The Four Freedoms of speech and belief and from fear and want, or Equality, Dignity and Justice, or Freedom in Dignity, or the Universal Culture of Human Rights were mentioned as valid descriptions of work or slogans for the World Conference.

94. The wish was expressed that similar brainstorming and discussion events be convened by academic, non-governmental and governmental institutions in other parts of the world, as an essential part of the preparatory process, and that reports from these events be channeled to the Preparatory Committee of the World Conference.

95. Participants in the Brainstorming Session expressed their thanks to the Centre for Human Rights and its leadership for having taken an active part in the deliberations. There was unanimous feeling that the time was right for the World Conference and that it offered splendid opportunities for an overall examination of the United Nations human rights programme with a view towards strengthening human rights, democracy, development and peace.